

Ahilan T. Arulanantham (SBN 237841)
arulanantham@law.ucla.edu
Stephany Martinez Tiffer (SBN 341254)
martineztiffer@law.ucla.edu
CENTER FOR IMMIGRATION LAW AND
POLICY, UCLA SCHOOL OF LAW
385 Charles E. Young Dr. East
Los Angeles, CA 90095
Telephone: (310) 825-1029

Emilou MacLean (SBN 319071)
emaclean@aclunc.org
Michelle (Minju) Y. Cho (SBN 321939)
mcho@aclunc.org
ACLU FOUNDATION
OF NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, CA 94111-4805
Telephone: (415) 621-2493
Facsimile: (415) 863-7832

Attorneys for Plaintiffs
[Additional Counsel Listed on Next Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA
GONZÁLEZ, FREDDY JOSE ARAPE
RIVAS, M.H., CECILIA DANIELA
GONZÁLEZ HERRERA, ALBA CECILIA
PURICA HERNÁNDEZ, E.R., and
HENDRINA VIVAS CASTILLO,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 25-cv-1766

**EXPERT DECLARATION OF STEVEN
DUDLEY IN SUPPORT OF
PLAINTIFF' MOTION TO POSTPONE
EFFECTIVE DATE OF AGENCY
ACTION**

1 Additional Counsel for Plaintiffs

2 Jessica Karp Bansal (SBN 277347)

3 jessica@ndlon.org

4 Lauren Michel Wilfong (pro hac vice pending*)

5 lwilfong@ndlon.org

6 NATIONAL DAY LABORER ORGANIZING NETWORK

7 1030 S. Arroyo Parkway, Suite 106

8 Pasadena, CA 91105

9 Telephone: (626) 214-5689

10 Eva L. Bitran (SBN 302081)

11 ebitran@aclusocal.org

12 ACLU FOUNDATION

13 OF SOUTHERN CALIFORNIA

14 1313 West 8th Street

15 Los Angeles, CA 90017

16 Telephone: (213) 977-5236

EXPERT DECLARATION OF STEVEN DUDLEY

1
2 1. I, Steven Dudley, am the Co-Director of InSight Crime. If called to testify, I could and
3 would do so as follows:

4 2. I have been asked to provide an expert opinion on the threat of the Tren de Aragua in
5 the United States. I make this declaration based on my personal and professional knowledge, my skill,
6 experience, training, and education, and facts and data regularly relied upon in my field that are
7 currently available to me. If additional information becomes available, or if I believe it would be
8 appropriate to respond to any critique or contrary theories, I will advise Plaintiffs' counsel that I intend
9 to do so and will seek their help in following the appropriate judicial procedures. The opinions in this
10 declaration are my own.

11 3. Appendix A is a true and correct copy of my curriculum vitae.

12 4. InSight Crime is a think tank with offices at American University in Washington, D.C.,
13 and Medellín, Colombia. We specialize in investigating and analyzing organized crime in the
14 Americas and assessing State efforts to combat these organizations.¹ InSight Crime is considered to
15 be the leading source for investigation, reporting, analysis, and training targeted to meet the needs of
16 academics, researchers, policymakers and analysts, journalists, NGOs, and law enforcement and
17 government officials tackling the problems posed by organized crime and drug trafficking throughout
18 the region. Our coverage reaches between 300,000 and 400,000 readers every month, and our material
19 is routinely cited, quoted, and reprinted in major media outlets. We have been doing this for 15 years.
20 Our coverage has been recognized through awards including, most recently, a special citation by the
21 Columbia Journalism School for coverage of Latin America, the Ortega & Gasset award for best
22 investigative story, and two Simón Bolívar awards for investigative stories.

23 5. I hold a Master's Degree in Latin American Studies from the University of Texas at
24 Austin. I have a Bachelor's Degree in History from Cornell University in Ithaca, New York. I am a
25 Senior Fellow at American University's Center for Latin American and Latino Studies and a former
26 fellow at the Woodrow Wilson International Center for Scholars in Washington, D.C.

27
28 ¹ For more information, *see* insightcrime.org.

1 6. I lived in Guatemala from 1991 to 1992, in Brazil in 1993 and in 1998, and in Colombia
2 off-and-on for nearly ten years beginning in 1995 and ending in late 2007. I have traveled to many
3 parts of Latin America during my 30 years as a journalist and investigator in the region, including to
4 Venezuela on dozens of occasions. During that time period, I have worked for media organizations
5 like the *Washington Post*, National Public Radio, the *Economist*, and the British Broadcasting
6 Corporation (BBC), among others. I am a member of the International Consortium of Investigative
7 Journalists and was a Knight Fellow at Stanford University.

8 7. In addition to my work for media and InSight Crime, I wrote a book concerning the
9 Revolutionary Armed Forces of Colombia (FARC) guerrillas that was published in English (*Walking*
10 *Ghosts* - Routledge 2004) and Spanish (*Armas y urnas* - Grupo Planeta 2008), and a book on the MS-
11 13 gang (*MS-13: The Making of America's Most Notorious Gang* – HarperCollins 2020), which won
12 the Lucas Prize for book in progress. I have also published reports on drug trafficking and organized
13 criminal networks in Central America and Mexico for policy groups such as the Woodrow Wilson
14 International Center for Scholars, the International Crisis Group, and the Migration Policy
15 Institute.

16 8. As part of my work at InSight Crime, I do regular trips to the region and am in nearly
17 constant contact with government authorities, media partners, correspondents, academics, and other
18 investigators throughout the region, including with our team of correspondents in Venezuela. In all, I
19 have made more than 100 trips to the region since I became Co-Director of InSight Crime in 2010.

20 9. I focus a lot of this work on trying to understand how international criminal
21 organizations operate, including prison gangs. In 2012-2013, for example, I went to Ciudad Juárez,
22 Mexico, to investigate and write about the prison gang known as Barrio Azteca.² The gang had
23 operations inside and outside the prison system and had expanded across the US-Mexico border. They
24 also worked with corrupt police.

25
26
27
28 ² See Steven Dudley, “Barrio Azteca Gang Poised for Leap into International Drug Trade,” InSight
Crime (Feb. 13, 2013), <https://insightcrime.org/investigations/barrio-azteca-gang-poised-leap/>.

10. In 2016, I directed a year-long investigative project on prisons in the region financed by the National Endowment for Democracy (NED).³ For that project, we studied the way prison gangs operated in five countries.⁴ We entered prisons in the countries I studied and spoke to those on the inside, including the heads of the gangs. Each of the prison gangs in question had operations inside and outside the prisons, including criminal enterprises that involved prison guards and police.

11. In 2014, I became the co-principal of a two-year project funded by the U.S. Department of Justice's National Institute for Justice on the MS-13.⁵ Our goal was to study the gang through various academic instruments and field research in three different geographic areas: Washington, D.C., Los Angeles, and El Salvador. For this project, I traveled to El Salvador several times and met with active members of the MS-13 inside jails.

12. In 2018, I was the co-principal of a U.S. State Department-funded project that is focused on criminal dynamics in Brazil, Argentina, and Paraguay. As part of this project, I work with experts and investigators in Brazil. I have also traveled to the country, where I also went inside several prisons. Our focus of the Brazil research is the Primeiro Comando da Capital (PCC), or First Capital Command, which is the region's largest prison gang.

13. Since 2018, I have assisted with InSight Crime's work on Venezuela, which is also funded by the U.S. State Department. The project has mapped the criminal ecosystem of that country and documented how government actors have created symbiotic relationships with organized crime, including the prison gang known as the *Tren de Aragua*, to create what we term a "criminal hybrid state."⁶ InSight Crime has worked with dozens of its correspondents, as well as independent investigators and civil society organizations, to provide the world's most comprehensive database and repository of organized crime groups in Venezuela.⁷

³ NED is a private foundation, funded mostly by the U.S. Congress, that finances projects worldwide that support democracy. See <https://www.ned.org/about/>.

⁴ See "The Prison Dilemma," a special project financed by the National Endowment for Democracy, <https://insightcrime.org/investigations/the-prison-dilemma-in-the-americas/>.

⁵ See description of project: <https://www.american.edu/centers/latin-american-latino-studies/transnational-criminal-capacity-of-ms-13.cfm>.

⁶ See Venezuela Investigative Unit, "Rise of the Criminal Hybrid State in Venezuela" (July 9, 2023), <https://insightcrime.org/wp-content/uploads/2023/07/Rise-of-the-Criminal-Hybrid-State-in-Venezuela-InSight-Crime-1.pdf>.

⁷ See master list: <https://observatory-venezuela.insightcrime.org/criminal-actors>.

TREN DE ARAGUA

14. I and others at InSight Crime have studied organized crime in Venezuela for the last 15 years. I am very familiar with the origins of Tren de Aragua in Venezuela and its activities both there and in other parts of South America. I am also familiar with the limited reach of Tren de Aragua in the United States.

15. Over the past decade, Tren de Aragua established operations in Colombia, Peru, and Chile. The Venezuelan government of Nicolás Maduro operates as a criminal hybrid state, in which state security forces work alongside or in parallel with organized crime groups like Tren de Aragua, as well as so-called *colectivos*, or collectives, a disparate network of grassroots, left-wing political groups that was trained, financed, and armed by the state and act as political shock troops.⁸

TREN DE ARAGUA IN THE UNITED STATES

16. Although Tren de Aragua is undoubtedly a powerful criminal organization in Venezuela and some other parts of South America, there is no evidence of a structured or operational presence in the United States. In fact, local police we have spoken to in the United States have not asserted that the Tren de Aragua has any significant criminal operations in the country.⁹ The few crimes attributed to alleged Tren de Aragua members in the United States appear to have no connection with the larger group or its leadership in Venezuela.

17. In a 2024 report, InSight Crime contacted more than a dozen national, state, and local law enforcement agencies. Miami-based law enforcement told us they were worried about incentivizing imposters, but they had not identified any crimes related to Tren de Aragua in their area. Georgia and Chicago law enforcement told us they think the gang may be in the area, but they could not give us any idea of the scale of the gang's presence or the criminal activities the gang may be involved with. Even in areas that have received a lot of media attention, such as Denver and its surrounding area, law enforcement personnel and politicians have refuted the notion there was any significant presence of Tren de Aragua.

⁸ Venezuela Investigative Unit, "Rise of Criminal Hybrid State in Venezuela," InSight Crime (July 2023), <https://insightcrime.org/wp-content/uploads/2023/07/Rise-of-the-Criminal-Hybrid-State-in-Venezuela-InSight-Crime-1.pdf>.

⁹ Mike LaSusa, "Is Venezuela's Tren de Aragua 'Invading' the US?" InSight Crime (April 1, 2024), <https://insightcrime.org/news/is-venezuelas-tren-de-aragua-invading-us/>.

1 one. There is no concrete evidence they are regrouping or challenging any other criminal organizations
2 in the U.S.

3 23. What's more, given Venezuela's economic collapse, widespread insecurity, and the
4 government's reliance on criminal groups to maintain control, deported Venezuelans face not only the
5 threat of organized crime but also state repression. The convergence of these two forces—state-backed
6 persecution and gang control—creates an environment in which returning migrants are extremely
7 vulnerable.

8
9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct to the best of my knowledge.

11
12 Executed this 20th day of February, 2025, in Washington, DC.

13
14
15 /s/

16
17
18
19
20
21
22
23
24
25
26
27
28
Steven Dudley

APPENDIX A

Steven S Dudley
723 Gallatin Street NW
Washington DC 20011
stevensdudley@gmail.com

Summary

As the co-founder and co-director of InSight Crime -- a 14-year old media and think tank that specializes in the investigation of organized crime in the Americas -- I manage on-the-ground small and large, multilingual teams who do investigations and analyses of organized crime, violence, and political corruption; I research and write hard-hitting investigative journalism stories and public policy reports; I raise millions of dollars in support of these projects; I have frequent closed-door, high-level briefings with officials; and I am a regular panelist and guest lecturer at universities and think tank events, as well as appear on television and radio.

Professional Experience

InSight Crime Incorporated. Co-founder, Co-director (2010-present). Manage think tank based at American University that monitors, analyzes and investigates organized crime in the Americas. The organization, working with its parallel organization in Medellín, Colombia, also does risk assessments and policy reports for government clients; trains journalists and NGOs on how to investigate organized crime in the region.

Miami Herald. Bogotá, Colombia. Bureau Chief, Andean Region (2004-07). Reported and coordinated coverage from five different countries.

National Public Radio. Bogotá, Colombia. Reporter-Andean Region (1999-2003). Reported, produced, wrote, voiced features for news magazines.

Boston Globe. Miami, FL. Reporter-Latin America/Caribbean (2004). Wrote news and feature stories for international section.

Washington Post. Bogotá, Colombia. Reporter-Andean Region (1999-2001). Wrote news and feature stories for international section.

BBC. Bogotá, Colombia. Reporter-Latin America/Caribbean (1999-2004). Reported, produced, wrote and voiced features for Boston-based radio program "The World."

Books Published

MS13: The Making of America's Most Notorious Gang (HarperCollins, 2020)

Walking Ghosts: Murder and Guerrilla Politics in Colombia (Routledge, 2004)

Consultancies

Dexis. Honduras. Guatemala. Worked as part of a team to diagnose issues and trends in Honduras' security situation for USAID's five-year strategic plan; led team that mapped Guatemala's criminal networks.

Creative Associates. Honduras. El Salvador. Researched and wrote risk analyses and diagnostics; trained journalists in investigation and security.

Social Impact. Honduras. Guatemala. Senior researcher, writer for assessment of USAID citizen security project in Tegucigalpa, San Pedro Sula and La Ceiba; director of project assessing homicides attributed to gangs and organized crime in Guatemala.

Overseas Strategic Consulting, Ltd. Guatemala. Developed a manual for journalists on investigative techniques and safety in reporting on organized crime.

Steven S Dudley
723 Gallatin Street NW
Washington DC 20011
stevensdudley@gmail.com

IREX. Nicaragua. Trained journalists and investigators from non-governmental organizations on how to cover elections.

Fellowships

American University, Center for Latin American and Latino Studies, Senior Fellow. Washington, DC (2011 – present). Scholar-in-residence.

Woodrow Wilson International Center for Scholars, Fellow. Washington, DC (2012 – 2013). Scholar-in-residence.

Stanford University, Knight Fellow. Palo Alto, California (2008). Journalist-in-residence.

Education

Cornell University, BA. Ithaca, NY (1991). U.S. and Latin American History.

University of Texas, Austin, MA. Austin, Texas (1998). Latin American Studies.

Skills

Reporting: Member of the International Consortium of Investigative Journalists (ICIJ). Experience with multimedia and multi-tasking including professional recording and video, as well as editing; hostile environment training (Centurion).

Languages: Fluent in Spanish and Portuguese.

Public Speaking: Panelist, guest lecturer, key-note speaker at universities, think tanks, closed-door engagements with officials in the United States and numerous other governments across the region concerning matters of organized crime and strategies to combat violence in the Americas. I also appear regularly on television and radio for live and taped interviews.

Website Management/Design: Developed and currently manage website and mobile version in English and Spanish that draws more than 300,000 visitors a month.

Awards

Winner of the J. Anthony Lukas Work-in-Progress Award for the book *MS-13: The Making of the America's Most Notorious Gang* (HarperCollins, 2020).

Director of team of reporters in four countries that were finalists for Daniel Pearl Award and Gabriel García Márquez Award in 2013 for cross-border reporting on Human Rights and organized crime.

Reporter/writer of two of a four-article series that won second place for international reporting in 2006 from the Society of Professional Journalists at its Sunshine State Awards for a series on land mines in Latin America.

Reporter/writer of one article for a series with a team that received honorable mention from the Overseas Press Club's Malcolm Forbes Award for best business reporting from abroad in newspapers in 2006 for a series on China's economic impact in South Florida and Latin America.

Recipient of the National Security Education Program (NSEP) scholarship for the 1997-98 academic year to study and write in Colombia.